

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

IN RE:	)	CASE NO: 17-40016-btr-13
Eric Mainoo	)	Chapter 13
SSN(s): <u>xxx-xx-2592</u>	)	
2789 Sunlight Drive	)	
Little Elm, TX 75068	)	
	)	
	)	
	)	
Debtor	)	

You should read this Plan carefully and discuss it with your attorney. Confirmation of this Plan by the Bankruptcy Court may modify your rights by providing for payment of less than the full amount of your claim, by setting the value of the collateral securing your claim, and/or by setting the interest rate on your claim.

**FIRST AMENDED 5/9/2017**

**CHAPTER 13 PLAN**

Debtor or Debtors (hereinafter called "Debtor") proposes this Chapter 13 Plan:

1. **Submission of Income.** Debtor submits to the supervision and control of the Chapter 13 Trustee ("Trustee") all or such portion of future earnings or other future income of Debtor as is necessary for the execution of this Plan.
2. **Plan Payments and Length of Plan.** Debtor will pay the sum of see below per month to Trustee by  Payroll Deduction(s) or by  Direct Payment(s) for the period of 60 months, unless all allowed claims in every class, other than long-term claims, are paid in full in a shorter period of time. The term of this Plan shall not exceed sixty (60) months. See 11 U.S.C. §§ 1325(b)(1)(B) and 1325(b)(4). Each pre-confirmation plan payment shall be reduced by any pre-confirmation adequate protection payment(s) made pursuant to Plan paragraph 6(A)(i) and § 1326(a)(1)(C).

The following alternative provision will apply if selected:

Variable Plan Payments

Beginning Month	Ending Month	Amount of Monthly Payment	Total
1 (02/01/2017)	7 (08/01/2017)	\$385.00	\$2,695.00
8 (09/01/2017)	60 (01/01/2022)	\$510.00	\$27,030.00
Grand Total:			<b>\$29,725.00</b>

Reason for Variable Plan Payments:

3. **Payment of Claims.** The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief. Allowed claims shall be paid to the holders thereof in accordance with the terms thereof. From the monthly payments described above, the Chapter 13 Trustee shall pay the following allowed claims in the manner and amounts specified. Claims filed by a creditor designated as secured or priority but which are found by the Court to be otherwise shall be treated as set forth in the Trustee's Recommendation Concerning Claims.

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**4. Administrative Claims.** Trustee will pay in full allowed administrative claims and expenses pursuant to § 507(a)(2) as set forth below, unless the holder of such claim or expense has agreed to a different treatment of its claim.

(A). **Trustee's Fees.** Trustee shall receive a fee for each disbursement, the percentage of which is fixed by the United States Trustee.

(B). **Debtor's Attorney's Fees.** The total attorney fee as of the date of filing of the petition is \$4,000.00. The amount of \$0.00 was paid prior to the filing of the case. The balance of \$4,000.00 will be paid  from first funds upon confirmation, or in the alternative  from the remaining balance of funds available after specified monthly payments. The total attorney fees are subject to reduction by notice provided in the Trustee's Recommendation Concerning Claims to an amount consistent with LBR 2016(h) absent a certification from debtors attorney regarding legal services provided pertaining to automatic stay litigation occurring in the case.

**5. Priority Claims.**

(A). **Domestic Support Obligations.**

None. If none, skip to Plan paragraph 5(B).

(i). Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim.

(ii). The name(s) and address(es) of the holder of any domestic support obligation are as follows. See 11 U.S.C. §§ 101(14A) and 1302(b)(6).

(iii). Anticipated Domestic Support Obligation Arrearage Claims

(a). Unless otherwise specified in this Plan, priority claims under 11 U.S.C. § 507(a)(1) will be paid in full pursuant to 11 U.S.C. § 1322(a)(2). These claims will be paid at the same time as claims secured by personal property, arrearage claims secured by real property, and arrearage claims for assumed leases or executory contracts.

None; or

(a) Creditor (Name and Address)	(b) Estimated arrearage claim	(c) Projected monthly arrearage payment / Months

(b). Pursuant to §§ 507(a)(1)(B) and 1322(a)(4), the following domestic support obligation claims are assigned to, owed to, or recoverable by a governmental unit.

None; or

Claimant and proposed treatment:

(a) Claimant	(b) Proposed Treatment

(B). **Other Priority Claims (e.g., tax claims).** These priority claims will be paid in full, but will not be funded until after all secured claims, lease arrearage claims, and domestic support claims are paid in full.

(a) Creditor	(b) Estimated claim

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**6. Secured Claims.****(A). Claims Secured by Personal Property Which Debtor Intends to Retain.**

(i). **Pre-confirmation adequate protection payments.** Unless the Court orders otherwise, no later than 30 days after the date of the filing of this plan or the order for relief, whichever is earlier, the Debtor shall make the following adequate protection payments to creditors pursuant to § 1326(a)(1)(C). If the Debtor elects to make such adequate protection payments on allowed claims to the Trustee pending confirmation of the plan, the creditor shall have an administrative lien on such payment(s), subject to objection. If Debtor elects to make such adequate protection payments directly to the creditor, Debtor shall provide evidence of such payment to the Trustee, including the amount and date of the payment, as confirmation is prohibited without said proof.

Debtor shall make the following adequate protection payments:

- directly to the creditor; or
- to the Trustee pending confirmation of the plan.

(a) Creditor	(b) Collateral	(c) Adequate protection payment amount

(ii). **Post confirmation payments.** Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (a) and (b). If Debtor elects to propose a different method of payment, such provision is set forth in subparagraph (c).

(a). **Claims to Which § 506 Valuation is NOT Applicable.** Claims listed in this subsection consist of debts secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). Upon confirmation of the plan, the interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to the availability of funds.

- None; or

(a) Creditor; and (b) Collateral	(c) Purchase date	(d) Estimated Claim	(e) Interest rate	(f) Monthly payment / Months

(b). **Claims to Which § 506 Valuation is Applicable.** Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 6(A)(ii)(a). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. Upon confirmation of the plan, the valuation and interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to the availability of funds.

- None; or

(a) Creditor; and (b) Collateral	(c) Purchase date	(d) Replacement value	(e) Interest rate	(f) Monthly payment / Months

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**(B). Claims Secured by Real Property Which Debtor Intends to Retain.** Debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter, unless this Plan provides otherwise. Trustee may pay each allowed arrearage claim at the monthly rate indicated below until paid in full. Trustee will pay interest on the mortgage arrearage if the creditor requests interest, unless an objection to the claim is filed and an order is entered disallowing the requested interest.

(a) Creditor; and (b) Property description	(c) Estimated pre-petition arrearage	(d) Interest rate	(e) Projected monthly arrearage payment / Months
Two Sunset Pointe HOA 2789 Sunlight Dr. Little Elm, TX 75068	\$600.00	0.00%	Pro-Rata Month(s) 1-57
Wells Fargo Bank, Na 2789 Sunlight Dr. Little Elm, TX 75068	\$17,941.12	6.00%	Pro-Rata Month(s) 1-57

**(C). Surrender of Collateral.** Debtor will surrender the following collateral no later than thirty (30) days from the filing of the petition unless specified otherwise in the Plan. Any involuntary repossession/foreclosure prior to confirmation of this Plan must be obtained by a filed motion and Court order, unless the automatic stay no longer applies under § 362(c). Upon Plan confirmation, the automatic stay will be deemed lifted for the collateral identified below for surrender and the creditor need not file a Motion to Lift Stay in order to repossess, foreclose upon or sell the collateral. Nothing herein is intended to lift any applicable co-Debtor stay, or to abrogate Debtor's state law contract rights.

(a) Creditor	(b) Collateral to be surrendered

**(D). Void Lien:** The secured creditors listed below hold a non-purchase money, non-possessory security interest on Debtor's exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph 7 below:

Name of Creditor	Collateral Description	Estimated Claim

**7. Unsecured Claims.** Debtor estimates that the total general unsecured debt not separately classified in Plan paragraph 12 is \$199,313.57. After all other classes have been paid, Trustee will pay to the creditors with allowed general unsecured claims a pro rata share of \$1,382.19. Trustee is authorized to increase this dollar amount if necessary, in order to comply with the applicable commitment period stated in paragraph 2 of this Plan.

**8. Executory Contracts and Unexpired Leases.** All executory contracts and unexpired leases are assumed, unless rejected herein. Payments due after the filing of the case will be paid directly by Debtor (c) or through the plan by the Trustee (d), as set forth below.

Debtor proposes to cure any default by paying the arrearage on the assumed leases or unexpired contracts in the amounts projected in column (e) at the same time that payments are made to secured creditors. All other executory contracts and unexpired leases of personal property are rejected upon conclusion of the confirmation hearing.

None; or

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(a) Creditor; and (b) Nature of lease or executory contract	(c) Payment to be paid directly by Debtor	(d) Payment to be paid through plan by Trustee / Months	(e) Projected arrearage monthly payment through plan (for informational purposes) / Months

9. **Property of the Estate.** Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S), unless the Court orders otherwise.

10. **Post-petition claims.** The DEBTOR(S) will not incur any post-petition consumer debt except upon written approval of the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in 11 U.S.C. § 1305.

11. **General Provisions.** Post-Petition earnings during the pendency of this case shall remain property of the estate notwithstanding section 1327. Any remaining funds held by the Trustee after dismissal or conversion of a confirmed plan may be distributed to creditors pursuant to these provisions. Notwithstanding section 1329(a), the Trustee may bring a motion anytime within the applicable commitment period of the Plan to modify debtor's Plan to meet the criteria of section 1325(b). Any funds sent to the debtor(s) in care of the Trustee, during the pendency of this case may be deposited to the debtor's account and disbursed to creditors holding allowed claims pursuant to this Plan, the Confirmation Order, and/or as set forth in the Trustee's Recommendation Concerning Claims.

12. **Other Provisions:**

(A). **Special classes of unsecured claims.**

Name of Unsecured Creditor	Remarks

(B). **Other direct payments to creditors.**

Name of Creditor	Remarks

**Collin County Tax Assessor**

**Denton County Tax Assessor**

**2016 Property Taxes**

**Shellpoint Mortgage Se**

**Wells Fargo Bank, Na**

(C). **Additional provisions.**

None.

Special Note: This plan is intended as an exact copy of the recommended form prepared by the Standing Chapter 13 Trustees for this District, except as to any added paragraphs after paragraph 11 above. The Chapter 13 trustee shall be held harmless for any changes in this plan from the recommended form dated July 1, 2005.

Date: May 9, 2017

/s/ Marcus Leinart

Marcus Leinart, Debtor's Attorney

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE: **Eric Mainoo**

CASE NO. **17-40016-btr-13**

CHAPTER **13**

**Certificate of Service**

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I hereby certify that on this date, I did serve a true and correct copy of the foregoing to the following interested parties and those listed on the attached matrix by United States Mail, First Class:

Date: 5/9/2017

/s/ Marcus Leinart

**Marcus Leinart**

Attorney for the Debtor(s)

Carey D. Ebert  
500 N. Central Expressway, Suite 350  
Plano, TX 75074

Eric Mainoo  
2789 Sunlight Drive  
Little Elm, TX 75068

United States Trustee- Eastern District  
110 N. College Ave, Ste 300  
Tyler, TX 75702

Case 17-40016 Doc 21 Filed 05/09/17 Entered 05/09/17 11:01:40 Desc Main  
 Label Matrix for local noticing American Express Bank, FSB Page 7 of 10 American Express Centurion Bank  
 0540-4 c/o Becket and Lee LLP c/o Becket and Lee LLP  
 Case 17-40016 PO Box 3001 PO Box 3001  
 Eastern District of Texas Malvern PA 19355-0701 Malvern PA 19355-0701  
 Sherman  
 Tue May 9 10:57:04 CDT 2017

Amex	Ashley Funding Services, LLC its successors assigns as assignee of Syndicated Office Systems, Inc.	Atlanta Postal Credit Union Attn: Gayle 3900 Crown Road Atlanta, GA 30380-0001
Correspondence PO Box 981540 El Paso, TX 79998-1540	Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587	
Attorney General of Texas Collections Div/ Bankruptcy Section PO Box 12548 Austin, TX 78711-2548	Bank Of America NC4-105-03-14 PO Box 26012 Greensboro, NC 27420-6012	Baylor Scott& White Health Baylor All Saints Medical Center 2001 Bryan Street Suite 200 Dallas, TX 75201-3049
Buckley Madole, PC 14841 Dallas Parkway, Suite 425 Dallas, TX 75254-7883	COLLIN COUNTY TAX ASSESSOR/COLLECTOR C/O GAY MCCALL ISAACKS ET AL 777 E 15TH ST PLANO TX 75074-5799	Calvary Portfolio Services 500 Summit Lake Ste 400 Valhalla, NY 10595-2322
Capital One PO Box 30285 Salt Lake City, UT 84130-0285	Capital One, N.A. c/o Becket and Lee LLP PO Box 3001 Malvern PA 19355-0701	Carey D. Ebert 500 N. Central Expressway, Suite 350 Plano, TX 75074-6791
Cavalry SPV I, LLC 500 Summit Lake Drive, Ste 400 Valhalla, NY 10595-1340	Central Financial Control PO Box 66044 Anaheim, CA 92816-6044	Chase Card Attn: Correspondence PO Box 15298 Wilmington, DE 19850-5298
Chase Mtg 3415 Vision Dr Columbus, OH 43219-6009	Citi Po Box 6241 Sioux Falls, SD 57117-6241	Citi-citgo Citicorp Cr Svcs/Centralized Bankruptcy PO Box 790040 S Louis, MO 63179-0040
Citibank/Exxon Mobile Citicorp Cr Svcs/Centralized Bankruptcy PO Box 790040 S Louis, MO 63179-0040	Citibank/The Home Depot Citicorp Cr Svcs/Centralized Bankruptcy PO Box 790040 S Louis, MO 63179-0040	Comenity Capital/venue Comenity Bank PO Box 182125 Columbus, OH 43218-2125
(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION PO BOX 13528 AUSTIN TX 78711-3528	Credit First/CFNA BK13 Credit Operations PO Box 818011 Cleveland, OH 44181-8011	Credit One Bank Na PO Box 98873 Las Vegas, NV 89193-8873
Denton County c/o Lee Gordon P O Box 1269 Round Rock, TX 78680-1269	Denton County Tax Assessor PO Box 90223 Denton, TX 76202-5223	Discover Bank Discover Products Inc PO Box 3025 New Albany, OH 43054-3025

Discover Financial

PO Box 3025

New Albany, OH 43054-3025

3333 Earhart Dr. Ste. 200

Carrollton, TX 75006-5042

Carey D. Ebert

P. O. Box 941166

Plano, TX 75094-1166

Fed Loan Sevicing

PO Box 69184

Harrisburg, PA 17106-9184

First Electronic Bank

2150 S 1300 E Suite 400

Salt Lake City, UT 84106-4336

(p)FOCUS RECEIVABLES MANAGEMENT LLC

1130 NORTHCHASE PARKWAY STE 150

MARIETTA GA 30067-6429

Frisco Heart &amp; Vascular

5963 Dripping Springs Dr.

Frisco, TX 75034-4037

(p)MICHAEL REED OR LEE GORDON

PO BOX 1269

ROUND ROCK TX 78680-1269

Internal Revenue Service

Centralized Insolvency Operations

PO Box 7346

Philadelphia, PA 19101-7346

Kohls/Capital One

Kohls Credit

PO Box 3043

Milwaukee, WI 53201-3043

LVNV Funding, LLC its successors and assigns

assignee of Citibank, N.A.

Resurgent Capital Services

PO Box 10587

Greenville, SC 29603-0587

LVNV Funding, LLC its successors and assigns

assignee of FNBM, LLC

Resurgent Capital Services

PO Box 10587

Greenville, SC 29603-0587

Marcus Leinart

Leinart Law Firm

11520 N. Central Expwy. Suite 212

Dallas, TX 75243-6608

Leinart Law Firm

11520 N. Central Expressway

Suite 212

Dallas, Texas 75243-6608

Linebarger Goggan Blair et al

2323 Bryan St, Ste 1600

Dallas, TX 75201-2637

Eric Mainoo

2789 Sunlight Drive

Little Elm, TX 75068-7615

Midland Funding LLC

PO Box 2011

Warren, MI 48090-2011

Navient

Attn: Bankruptcy

PO Box 9500

Wilkes-Barr, PA 18773-9500

Navient Solutions, Inc. on behalf of

Florida Department of Education

Office of Student Financial Assistance

PO Box 7019

Tallahassee, FL 32314-7019

Prosper Marketplace Inc

PO Box 396081

San Francisco, CA 94139-6081

Prsm/cbsd

CitiCorp Credit Services/Centralized Ban

PO Box 790040

Saint Louis, MO 63179-0040

Regional Fin

230 West Parker Road

Plano, TX 75075-2352

Rgs Financial

1700 Jay Ell Dr Ste 200 Ste

Richardson, TX 75081-6788

Rise Credit

Customer Support

PO Box 101808

Fort Worth, TX 76185-1808

SYNCB/BRMart

Attn: Bankruptcy

PO Box 965064

Orlando, FL 32896-5064

Shellpoint Mortgage Se

75 Beattie Pl Ste 300

Greenville, SC 29601-2138

(c)SMILE BRANDS FINANCE

100 SPECTRUM CENTER DR STE 1500

IRVINE CA 92618-4984

Syncb/care Credit

C/o Po Box 965036

Orlando, FL 32896-0001

Synchrony Bank/ JC Penneys

PO Box 965064

Orlando, FL 32896-5064

Synchrony Bank/PayPal Cr

PO Box 965064

Orlando, FL 32896-5064

Synchrony Bank/Walmart  
PO Box 965064  
Orlando, FL 32896-5064

Lynalise Katherine Tannery  
Buckley Madole, P.C.  
14841 Dallas Parkway, Suite 425  
Dallas, TX 75254-7685

Texas Alcoholic Beverage Commission  
Licenses and Permit Division  
PO Box 13127  
Austin, TX 78711-3127

Texas Workforce Commission  
TEC Building- Bankruptcy  
101 E 15th St  
Austin, TX 78778-0001

Two Sunset Pointe HOA  
PO Box 60875  
Phoenix, AZ 85082-0875

U.S. Attorney General  
Department of Justice  
Main Justice Building  
10th & Constitution Ave., NW  
Washington, DC 20530-0001

U.S. Bank National Association Trustee (See  
c/o Wells Fargo Bank, N.A.  
Default Document Processing  
MAC# N9286-01Y  
1000 Blue Gentian Road  
Eagan, MN 55121-7700

US Trustee  
Office of the U.S. Trustee  
110 N. College Ave.  
Suite 300  
Tyler, TX 75702-7231

United States Attorney General  
Dept. of Justice  
Main Justice Bldg  
10 and Constitution, NW  
Washington, DC 20530-0001

United States Attorney's Office  
110 North College Ave, Ste 700  
Tyler, TX 75702-0204

United States Trustee's Office  
110 North College Ave, Ste 300  
Tyler, TX 75702-7231

United States Trustee- Eastern District  
110 N. College Ave, Ste 300  
Tyler, TX 75702-7231

WELLS FARGO BANK, N.A.  
14841 Dallas Parkway, Suite 300  
Dallas, TX 75254-7883

Wells Fargo Bank, Na  
MAC F82535-02F  
PO Box 10438  
Des Moines, IA 50306-0438

Wings Financial Fcu  
14985 Glazier Ave Ste 100  
Apple Valley, MN 55124-7490

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Comptroller of Public Accounts  
Revenue Accounting/ Bankruptcy Div  
PO Box 13528  
Austin, TX 78711

Focus Receivables Mana  
1130 Northchase Parkway  
Suite 150  
Marietta, GA 30067

Lee Gordon  
McCreary Veselka Bragg & Allen, PC  
PO Box 1269  
Round Rock, TX 78665

Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

Smile Brands Finance  
8105 Irvine Center Drive  
Irvine, CA 92618

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Baylor Scott&amp; White Health

Baylor All Saints Medical Center

2001 Bryan Street Suite 200

Dallas, TX 75201-3049

(d)Garey D. Ebert Document Page 10 of 10

P. O. Box 941166

Plano, TX 75094-1166

End of Label Matrix

Mailable recipients 74

Bypassed recipients 2

Total 76